

Cont
C3
SCHENK, Dale B.
Application No.: 09/724,319
Page 9

PATENT

159. (New) The method of any one of claims 151-157, wherein the subject is diagnosed with clinical or pre-clinical Alzheimer's disease or Down's syndrome.

160. (New) The method of any one of claims 151-157, wherein the subject is not diagnosed with clinical or pre-clinical Alzheimer's disease or Down's syndrome.

161. (New) The method of any one of claims 151-160, wherein the antibody is administered by a peripheral route.

162. (New) The method of claim 161, wherein the antibody is administered by an oral, intraperitoneal, subcutaneous, intramuscular, or intravenous route.

163. (New) A method of treating Alzheimer's disease, comprising administering to a patient in need thereof an effective amount of the antibody or fragment of any one of claims 101-129.

REMARKS

After entry of this Second Preliminary Amendment, claims 56-163 are pending in the present application, claims 84, 87-88, 90-91, 95-96, 98, and 100 having been canceled, and new claims 101-163 having been added. Claim 99, which depended from canceled claim 96, has been amended to depend from pending claim 97.

In order to correct an obvious typographical error, the specification has been amended by replacing the paragraph beginning at line 25 of page 14 with a replacement paragraph. Applicant has amended "20, 30" to "20-30."

Claims 101-163 are newly added, but contain no new matter. Support for new claims 101-163 is found throughout the specification, e.g., at page 14, line 13 to page 18, line 4; page 21, line 14 to page 23, line 14, and, Example XI. Further support for new claims 104-105, 114, 119-129, 137, 138-146, 151-158, and 163 may also be found at page 7, line 6 to line 18. Support for new claims 124, 130-136 may be found at page 21, line 6 to page 23, line 14. Further support for new claim 137 may also be found at page 28, line 11 to line 32. Support for

SCHENK, Dale B.
Application No.: 09/724,319
Page 10

PATENT

new claims 138-145 may also be found in claims 1-2, 11, 15, and 25 as originally filed. Support for claims 140-146 may also be found in Example XI. Support for claim 144 may also be found at page 29, lines 17-21. Further support for new claims 147-148 and 159-160 may also be found at page 26, line 15 to page 27, line 9. Further support for claims 148 and 160 may be found at page 27, lines 12-22. Further support for claims 151-154 may also be found at page 80, lines 7-21. page 29, lines 4-16 and claim 32 as originally filed. Thus, no new matter is added.

New claims 101-163 of the present application are substantially copied from the claims of International Patent Application Publication No. WO 01/62801, published August 30, 2001 (U.S. Applicants: Holtzman, David M.; DeMattos, Ronald; Bales, Kelly, R.; Paul, Steven; and, Tsurushita, Naoya) to preserve Applicant's rights under 35 U.S.C. § 135(b)(2). The claims copied in the instant application correspond to the claims of WO 01/62801 as shown in the following table.

| WO 01/62801 CLAIMS | COPIED CLAIMS |
|--------------------|---------------|
| 1 | 101 |
| 2 | 102, 103 |
| 3 | 104 |
| 4 | 105 |
| 5 | 106, 107 |
| 6 | 108, 109 |
| 7 | 110 |
| 8 | 111 |
| 9 | 112, 113 |
| 10 | 114 |
| 11 | 115 |
| 12 | 116 |
| 13 | 117 |

SCHENK, Dale B.
Application No.: 09/724,319
Page 11

PATENT

| WO 01/62801 CLAIMS | COPIED CLAIMS |
|--------------------|---------------|
| 14 | 118 |
| 18 | 119 |
| 19 | 120 |
| 20 | 121 |
| 21 | 122 |
| 22 | 123 |
| 23 | 124 |
| 24 | 125, 126 |
| 25 | 127 |
| 26 | 128 |
| 27 | 129 |
| 28 | 130 |
| 29 | 131 |
| 34 | 132 |
| 35 | 133 |
| 36 | 134 |
| 37 | 135 |
| 38 | 136 |
| 39 | 137 |
| 40 | 138 |
| 41 | 139 |
| 42 | 140, 141 |
| 43 | 142, 143 |
| 44 | 144 |
| 45 | 145 |
| 46 | 146 |

SCHENK, Dale B.
Application No.: 09/724,319
Page 12

PATENT

| WO 01/62801 CLAIMS | COPIED CLAIMS |
|--------------------|---------------|
| 47 | 147 |
| 48 | 148 |
| 49 | 149 |
| 50 | 150 |
| 52 | 151 |
| 53 | 152 |
| 54 | 153 |
| 55 | 154 |
| 56 | 155, 156 |
| 57 | 157 |
| 58 | 158 |
| 59 | 159 |
| 60 | 160 |
| 61 | 161 |
| 62 | 162 |
| 64 | 163 |

WO 01/62801 was cited on the PTO/SB/08A form attached to the Supplemental Information Disclosure Statement filed on August 16, 2002.

WO 01/62801 claims benefit of the following U.S. Provisional Applications: 60/184,601 filed February 24, 2000; 60/254,465 filed December 8, 2000; and, 60/254,498 filed December 8, 2000. U.S. Provisional Applications 60/184,601, 60/254,465, and, 60/254,498 were cited on the PTO/SB/08A form attached to the Supplemental Information Disclosure Statement filed on August 16, 2002.

SCHENK, Dale B.
Application No.: 09/724,319
Page 13

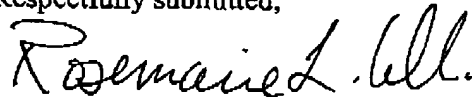
PATENT

Applicants have made the following priority claim in the Supplemental Application Data Sheet (ADS) filed on August 20, 2001.

| Application:: | Continuity Type:: | Parent Application:: | Parent Filing Date:: |
|------------------|-------------------------|----------------------|----------------------|
| This Application | Continuation of | 09/322,289 | 05/28/99 |
| 09/322,289 | Continuation-in-part of | 09/201,430 | 11/30/98 |
| 09/201,430 | Non-Provisional of | 60/080,970 | 04/07/98 |
| 09/201,430 | Non-Provisional of | 60/067,740 | 12/02/97 |

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Rosemarie L. Celli
Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (650) 326-2400
Fax: (650) 326-2422
RLC
PA 3246446 v1

SCHENK, Dale B.
Application No.: 09/724,319
Page 14

PATENT

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

Please replace the paragraph beginning at line 25 of page 14 with the following replacement paragraph.

Polyclonal sera typically contain mixed populations of antibodies binding to several epitopes along the length of A β . Monoclonal antibodies bind to a specific epitope within A β that can be a conformational or nonconformational epitope. Some monoclonal antibodies bind to an epitope within residues 1-28 of A β (with the first N terminal residue of natural A β designated 1). Some monoclonal antibodies bind to an epitope with residues 1-10 of A β . Some monoclonal antibodies bind to an epitope with residues 1-16 of A β . Some monoclonal antibodies bind to an epitope with residues 1-25 of A β . Some monoclonal antibodies bind to an epitope within amino acids 1-5, 5-10, 10-15, 15-20, 25-30, 10-20, ~~20-30~~~~20-30~~, or 10-25 of A β . Prophylactic and therapeutic efficacy of antibodies can be tested using the transgenic animal model procedures described in the Examples.

IN THE CLAIMS:

Please amend claim 99 as follows:

99. (Amended) The pharmaceutical composition of claim 97[96], wherein the antibody is designated as 266.

PA 3246446 v1